

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 13

In the Matter of:

PORTILLO’S HOT DOGS, LLC,

Employer

and

INTERNATIONAL ASSOCIATION
OF BRIDGE, STRUCTURAL,
ORNAMENTAL AND
REINFORCING IRON WORKERS,
AFL-CIO,

Petitioner

Case 13-RC-313847

EMPLOYER’S OBJECTIONS TO THE
CONDUCT OF THE ELECTION AND
TO CONDUCT AFFECTING THE
RESULTS OF THE ELECTION

Pursuant to Section 102.69 of the National Labor Relations Board’s Rules and Regulations, Portillo’s Hot Dogs, LLC, by its undersigned counsel, hereby objects to the election held at Portillo’s Food Service in Addison, Illinois on April 13, 2023 (the “Election”) pursuant to the petition filed by the International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers, AFL-CIO (“Union”) in the above-referenced case. The results of the Election were 28 votes cast for the Union, 20 votes cast against the Union, with zero challenged ballots. The Union’s conduct violated the National Labor Relations Act, was widely disseminated to at least 25 voting unit employees, interfered with freedom of choice, and adversely affected the outcome of the election. The Election results must thus be set aside and a new election run.

OBJECTION NO. 1

**The Union Promised Employees Work Permits, Green Cards, and Citizenship
in Exchange for their Vote and for Joining the Union**

During the critical period preceding the Election and/or during the Election, the Union, through its officers, employees, agents, authorized representatives and others acting on its behalf

and/or with its apparent authority, actual or implied endorsement or ratification, promised voting unit employees on multiple occasions that: (a) the Union would give two-year work permits for employees if the Union was voted in; (b) if employees joined the Union then they could qualify for getting a two year work permit and the Union would help them get the permits; (c) the Union would provide employees with green cards in exchange for voting “Yes”; (d) employees could become American citizens if they voted “Yes” to the Union; and (e) the Union and Arise were already submitting for work permits for employees who attended the Union meeting.

* * *

Portillo’s reserves the right to modify or supplement these objections. Portillo’s also is submitting separately a written offer of proof in the form described in Section 102.66(c) of the Board’s Rules and Regulations. Accordingly, for these reasons and any other reason required by law, the Employer respectfully requests that the Regional Director issue an order directing that a hearing be held to address the Employer’s objections.

Dated: April 19, 2023

Respectfully submitted,

PORTILLO’S HOT DOGS, LLC

By: /s/ Gregory H. Andrews
One of Its Attorneys

Gregory H. Andrews
Sarah J. Gasperini
Jackson Lewis P.C.
150 N. Michigan Ave., Suite 2500
Chicago, Illinois 60601
Telephone: (312) 787-4949
Gregory.Andrews@jacksonlewis.com
Sarah.Gasperini@jacksonlewis.com

CERTIFICATE OF SERVICE

Case Name: Portillo's Hot Dogs, LLC
Case No.: 13-RC-313847

I hereby certify that, on April 19, 2023, I caused a true and correct copy of the **EMPLOYER'S OBJECTIONS TO THE CONDUCT OF THE ELECTION AND TO CONDUCT AFFECTING THE RESULTS OF THE ELECTION** in this case to be efiled with the National Labor Relations Board and served via email on:

Hank Hunsell
District Representative
212 N. Kings Highway Blvd., Suite 1025
St. Louis, MO 63108
hhunsell@iwintl.org

Jana C. Prokop
National Labor Relations Board
Jana.Prokop@nlrb.gov

PORTILLO'S HOT DOGS, LLC

By: /s/ Gregory H. Andrews
One of Its Attorneys

Gregory H. Andrews
Sarah J. Gasperini
Jackson Lewis P.C.
150 N. Michigan Ave., Suite 2500
Chicago, Illinois 60601
Telephone: (312) 787-4949
Gregory.Andrews@jacksonlewis.com
Sarah.Gasperini@jacksonlewis.com